REMARKS

This is in response to the Office Action mailed May 1, 2006. Applicants are appreciative for the recognized allowable subject matter. Amendments have been made to claims 1, 9, 17, and 27. Applicants wish to note that although claims have been amended via the current amendment, it is by no means an admission by the Applicants that the art of record anticipated or rendered obvious the previously pending claims. This amendment should obviate outstanding issues and make the remaining claims allowable. Reconsideration of this application is respectfully requested in view of this response/amendment.

STATUS OF CLAIMS

Claims 1-29 are pending.

Claims 21-29 are allowed.

Claims 17-20 and 27-29 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claims 3, 8, 10, and 16-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claims 1, 3, and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 5,485,609 (Vitter) and U.S. 2003/0079087 (Kuwata).

Claims 1, 3, and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 5,485,609 (Vitter) and *Operating Systems* "Chapter 5: Virtual Memory" (Vuskovic).

Claims 9-10, 14, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 5,485,609 (Vitter), U.S. 2003/0079087 (Kuwata), and U.S. 6,307,548 (Flinchem).

Claims 9-10, 14, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 5,485,609 (Vitter), *Operating Systems* "Chapter 5: Virtual Memory" (Vuskovic), and U.S. 6,307,548 (Flinchem).

Claims 7-8 and 15-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 5,485,609 (Vitter) and U.S. 2003/0079087 (Kuwata); and U.S. 5,485,609 (Vitter) and *Operating Systems* "Chapter 5: Virtual Memory" (Vuskovic) as applied to claim 1, and U.S. 5,485,609 (Vitter), *Operating Systems* "Chapter 5: Virtual Memory" (Vuskovic), and U.S. 6,307,548 (Flinchem); and U.S. 5,485,609 (Vitter), *Operating Systems* "Chapter 5: Virtual Memory" (Vuskovic), and U.S. 6,307,548 (Flinchem) as applied to claim 9, and further in view of U.S. 6,154,813 (Martin).

Claims 4-5, 12-13, and 19-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 5,485,609 (Vitter) and U.S. 2003/0079087 (Kuwata); and U.S. 5,485,609 (Vitter) and *Operating Systems* "Chapter 5: Virtual Memory" (Vuskovic) as applied to claim 1, and U.S. 5,485,609 (Vitter), U.S. 2003/0079087 (Kuwata), and U.S. 6,307,548 (Flinchem); and U.S. 5,485,609 (Vitter), *Operating Systems* "Chapter 5: Virtual Memory" (Vuskovic), and U.S. 6,307,548 (Flinchem) as applied to claim 9 and 17, and further in view of U.S. 2003/0018661 (Darugar).

Claims 27-29 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 101 set forth in the current Office Action.

Claims 2 and 11 are objected to as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claim 18 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, and 35 U.S.C. 101 set forth in the current Office Action and to include all the limitations of the base claim and any intervening claims.

REJECTIONS UNDER 35 U.S.C. § 101

Claims 17-20 and 27-29 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. As per the Examiner's suggestion, independent clams 17 and 27 have been amended to recite "computer-readable program code executed by a computer to prefetch and replace pages in storage". Applicants hereby respectfully request the Examiner to remove the rejections with respect to claims 17-20 and 27-29.

REJECTIONS UNDER 35 U.S.C. § 112

Claims 3, 8, 10, and 16-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Specifically, the Examiner states on page 3 of the Office Action that the terms "minimum step", "minimum level", "maximum step", and "maximum level" in claims 3, 10, and 17 render the claim indefinite as the terms are not defined by the claim and the specification does not

provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Applicants respectfully disagree with the above-statement as the claims need to be read in light of the specification and, unlike what the Examiner contends, the specification is clear with respect to the meaning of the above-mentioned terms.

For example, the Examiner is referred to the example of figure 8 of the Application-as-filed, which is reproduced below for the convenience of the Examiner:
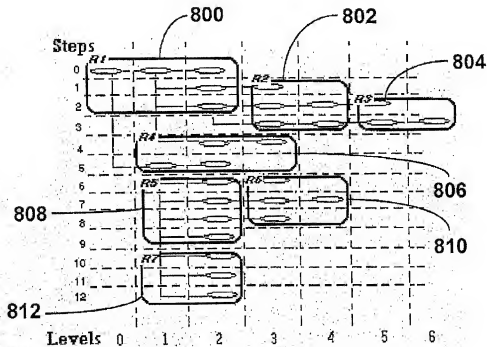

FIGURE 8 OF APPLICATION-AS-FILED

The Examiner is now referred to the discussion of figure 8 in the Application-as-filed, which includes Table 1, which is reproduced below for the convenience of the Examiner.

	Nesting Level	Min Step	Min Level	Max Step	Max Level
R1	0	0	0	2	2
R2	0	1	3	3	4
R3	0	2	5	3	6
R4	0	4	1	5	3
R5	0	6	2	9	2
R6	0	6	3	8	4
R7	0	10	2	12	2

TABLE 1 APPLICATION-AS-FILED

It can be seen that the above-table clearly indicates what the Minimum Step, Maximum Step, Minimum Level, and Maximum Level of each of the regions R1-R7. Hence, Applicants assert that the terms "minimum step", "minimum level", "maximum step", and "maximum level" of claims 3, 10, and 17 are definite values for each region. Therefore, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §112 rejections with respect to claims 3, 10, and 17.

OBJECTIONS

Claims 27-29 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 101 set forth in the current Office Action.

As per Applicants' earlier statement regarding the 35 U.S.C. 101 rejection, independent clam 27 has been amended to recite "computer-readable program code executed by a computer to prefetch and replace pages in storage" as per the Examiner's suggestion.

Therefore, claims 27-29 are in allowable form and Applicants hereby request allowance thereof.

Claims 2 and 11 are objected to as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Independent claims 1 and 9 have been amended to incorporate features of dependent claim 2 and 11, respectively. Therefore, currently amended claims 1-9 are in allowable form and Applicants hereby request allowance thereof.

Claim 18 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, and 35 U.S.C. 101 set forth in the current Office Action and to include all the limitations of the base claim and any intervening claims.

As per Applicants' earlier statement regarding the 35 U.S.C. 101 rejection, independent clams 17 has been amended to recite "computer-readable program code executed by a computer to prefetch and replace pages in storage" as per the Examiner's suggestion. Further, Claim 17 has amended to incorporate features of claim 18. Hence, claim 17 is in allowable form and Applicants hereby request allowance thereof.

Applicants once again wish to re-emphasize that although claims have been amended via the current amendment, it is by no means an admission by the Applicants that the art of record anticipated or rendered obvious the previously pending claims.
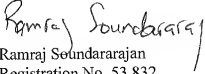
SUMMARY

As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of applicants' presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

As this amendment has been timely filed, no request for extension of time or associated fee is required. However, the Commissioner is hereby authorized to charge any deficiencies in the fees provided to Deposit Account No. 09-0460.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicants' representative at the below number.

Respectfully submitted,

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